

General Mobilization Law

Law number 55 of the 13th year of Showa

Law number 68 of the 14th year of Showa

Law number 19 of the 16th year of Showa

Law number 4 of the 19th year of Showa.

* * * * *

Article 1.

The term national general mobilization as used in this law denotes the control and operation of human and material resources in order that the nation may be enabled to display its total power most effectively for the realization of national defense purposes in time of war (including an incident corresponding with a war, the same applying correspondingly to the following parts).

Article 2.

The term general mobilization goods in this law denotes things listed below: (1) armaments, war vessels, ammunitions and other military goods, (2) garments, foodstuffs, beverages and fodders which are necessary for national general mobilization, (3) medicines, medical instruments, other sanitary materials and veterinary materials which are necessary for national general mobilization, (4) ships, airplanes, rolling

stock and vehicles, horses and other materials for transportation which are necessary for national general mobilization, (5) goods for communications which are necessary for national general mobilization, (6) engineering and building materials and goods for lighting system which are necessary for national general mobilization, (7) fuels and electric power which are necessary for national general mobilization, (8) raw and other materials, machines and tools, equipment and other goods which are necessary for the production, repair, distribution and conservation of each of the foregoing stipulations and (9) goods besides each of the foregoing which may be designated by Imperial Ordinances as necessary for national general mobilization.

Article 3.

General mobilization businesses under this law denote those which are listed below. (1) businesses relating to the production, repair, distribution, exportation, importation and storing of general mobilization goods, (2) businesses relating to transportation and communications which are necessary for national general mobilization, (3) businesses relating to money and banking which are necessary for national general mobilization, (4) businesses relating to sanitation, veterinary sanitation and relief which are necessary for

national general mobilization, (5) businesses relating to education and training which are necessary for national general mobilization, (6) businesses relating to experiments and researches which are necessary for national general mobilization, (7) businesses relating to information and campaign of education which are necessary for national general mobilization, (8) businesses concerning guarding which are necessary for national general mobilization and (9) businesses besides each of the foregoing which may be designated by Imperial Ordinances as necessary for national general mobilization.

Article 4.

In time of war the Government if necessary for national general mobilization may enlist subjects of the Empire and place them in general mobilization businesses in accordance with provisions of Imperial Ordinances. This provision does not prevent the application of the Conscription Law, however.

Article 5.

The Government if necessary for national general mobilization in time of war may cause subjects of the Empire or juridical persons or other organizations of the Empire to cooperate with the State or local public organizations or other persons designated by the Government.

Article 6

The Government if necessary for national general mobilization in time of war may issue orders which are necessary regarding the use, employment or discharge or assumption of offices or assumption of services or retirement of employees or wages, salaries and other working conditions, in accordance with provisions of Imperial Ordinances.

Article 7

The Government if necessary for national general mobilization in time of war may issue necessary orders regarding the prevention or settlement of labor disputes or the closing of plants, suspension of operations, or restriction or prohibition of acts relating to labor disputes, according to provisions of Imperial Ordinances.

Article 8.

The Government if necessary for national general mobilization may issue necessary orders regarding the production, repair, distribution, transfer or other disposal, uses, consumption, holding and movement of goods, in accordance with provisions of Imperial Ordinances.

Article 9

The Government if necessary for national general mobilization in time of war may restrict or prohibit exportation or importation, or may impose export duties or import duties, or may increase or decrease export duties or import duties, in accordance with provisions of Imperial Ordinances.

Article 10

The Government if necessary for national general mobilization in time of war may use or expropriate or cause a person who administers general mobilization business to use or expropriate general mobilization goods, in accordance with provisions of Imperial Ordinances.

Article 11

The Government if necessary for national general mobilization in time of war may restrict or prohibit the establishment of corporations, capital increases, consolidations, changes in the purposes of businesses, floatation of debentures or the second and subsequent calls for unpaid portions or capital; and may issue orders regarding disposition of corporation profits, writing off of fixed assets or other matters concerning accounting; and also may issue orders against banks, trust companies, insurance companies and others

designated by Imperial Ordinances regarding the operation of their funds, or undertaking or guaranteeing monetary obligations.

Article 12.

The Government if necessary for national general mobilization in time of war may make special arrangements in accordance with Imperial Ordinances, and irrespective of the provisions of Article 297 of the Commercial Code, with respect to floatation of debentures of a corporation engaged in a general mobilization business to meet expenses for equipment belonging to the said corporation.

Article 13.

The Government if necessary for national general mobilization in time of war may manage or use or expropriate the whole or part of factories or workshops or vessels and other facilities which are convertible into it, in accordance with provisions of Imperial Ordinances.

In case of use or expropriation of things listed in the foregoing clause the Government may cause the owner of them to offer the operatives, or may operate patent inventions or registered utility models which are actually operated in the said facilities, in accordance with provisions of Imperial Ordinances.

The Government if necessary for national general mobilization in time of war may manage, use or expropriate land, houses or other establishments which are necessary for general mobilization businesses, or may cause a person who administers a general mobilization business to use or expropriate them, in accordance with provisions of Imperial Ordinances.

Article 14

The Government if necessary for national general mobilization in time of war may use or expropriate the mining rights or rights relating to the use of water, and may cause a person who administers a general mobilization business to operate patent inventions or registered new utility models or to use the mining rights or rights related to the use of water.

Article 15

When things expropriated by the Government under the provisions of the preceding two Articles have become out of use, and in case they are to be sold within a period of 10 years following their expropriation, or when things expropriated by a person who conducts a general mobilization business under the provisions of Article 13, Paragraph 3, have become out of use within a period of 10 years following their expropriation, the former owners or former holders of the rights of legitimate successors to them may buy them back on a preferential basis, in accordance with provisions of Imperial Ordinances.

The Government if necessary for national general mobilization in time of war may manage, use or expropriate land, houses or other establishments which are necessary for general mobilization businesses, or may cause a person who administers a general mobilization business to use or expropriate them, in accordance with provisions of Imperial Ordinances.

Article 14

The Government if necessary for national general mobilization in time of war may use or expropriate the mining rights or rights relating to the use of water, and may cause a person who administers a general mobilization business to operate patent inventions or registered new utility models or to use the mining rights or rights related to the use of water.

Article 15

When things expropriated by the Government under the provisions of the preceding two Articles have become out of use, and in case they are to be sold within a period of 10 years following their expropriation, or when things expropriated by a person who conducts a general mobilization business under the provisions of Article 13, Paragraph 3, have become out of use within a period of 10 years following their expropriation, the former owners or former holders of the rights of legitimate successors to them may buy them back on a preferential basis, in accordance with provisions of Imperial Ordinances.

Article 16

The Government if necessary for national general mobilization in time of war may restrict or prohibit establishment or extension or improvement of equipment belonging to a general mobilization business, or may order the establishment or extension or improvement of equipment belonging to a general mobilization business, in accordance with provisions of Imperial Ordinances.

Article 16 - (2)

The Government if necessary for national general mobilization in time of war may issue necessary orders concerning transfer or other disposal of, investments in, use and removal of, equipment belonging to a general mobilization business, in accordance with provisions of Imperial Ordinances.

Article 16 - (3)

The Government if necessary for national general mobilization in time of war may issue necessary orders relating to the assumption, entrusting, joint management, transfer, abolition or suspension of business, or changes in business objectives or consolidation or dissolution of corporations, in accordance with provisions of Imperial Ordinances.

Article 17

The Government if necessary for national general mobilization in time of war may cause the proprietors of the same or different kinds of enterprises to obtain approval of the Government regarding the conclusion or change or abolition of an agreement or agreements on control of the respective enterprises, or may order them to conclude or change or cancel control agreement or agreements among themselves, or may order the participants in the said agreement or agreements and non-participants to act in accordance with the said control agreement or agreements, in conformity with provisions of Imperial Ordinances.

Article 18

If necessary for national general mobilization in time of war the Government, in accordance with provisions of Imperial Ordinances, may cause the proprietors of the same or different kinds of enterprises or their organizations to control the said enterprises or order them to establish an organization or corporation with the object of operating for the control.

An organization which is to be established under the foregoing provisions shall be a juridical person.

When persons who have been ordered to establish an organization in accordance with the provisions of Paragraph 1 have failed to establish it, the Government may take necessary measures regarding the preparation of articles of association or other matters relative to its establishment.

When an organization has been established in accordance with the provisions of Paragraph 1, the Government may cause persons who have qualifications as the constituent members of the said organization to become the constituent members of the said organization.

The Government may cause an organization which has been established in accordance with the provisions of Paragraph 1 to obtain approval of the Government regarding the adoption or change or abolition of its control regulations pertaining to enterprises of its constituent members (including the constituent members of the latter, this applying correspondingly to the following parts), or order it to adopt or change the control regulations, or may order its constituent members or persons who are qualified to be its constituent members to act in conformity with the control regulations.

Matters pertaining to an organization or a corporation under the provisions of Paragraph 1 shall be prescribed by Imperial Ordinances.

Article 18-(2)

In case the Government has ordered the transfer of facilities or rights, or investment under the provisions of Article 16, Paragraph 2, or has ordered the transfer of an enterprise under the provisions of Article 16, Paragraph 3, necessary matters relating to the succession to obligations of the transferor or investor or disposition of their security shall be prescribed by Imperial Ordinances.

Article 18-(3)

Regarding the transfer of facilities or rights, or investment under the provisions of Article 16, Paragraph 2; or transfer of an enterprise or consolidation of corporations under the terms of Article 16, Paragraph 3, or an organization of a corporation established in accordance with the provisions of Article 18, Paragraphs 1 or 3, the Government, in accordance with provisions of Imperial Ordinances, may set up exceptions pertaining to calculation of the standard of tax levy, or may make arrangements for reduction or exemption of taxes.

Article 19

If necessary for national general mobilization in time of war the Government, in accordance with provisions of Imperial Ordinances, may issue necessary orders, regarding

price, transportation charge, storage, insurance premium, rentals, processing charge, repairing charge or rates of other payments on property.

Article 20

If necessary for national general mobilization in time of war the Government may restrict or prohibit the insertion of articles in newspapers or other publications, in accordance with prohibitions of Imperial Ordinances.

The Government may prohibit sales and distribution of newspapers or other publications containing items which hinder the national general mobilization in violation of restriction or prohibition under the foregoing provision, and may attach them. In this case the Government also may attach their original plates.

Article 21

The Government, whenever it deems it necessary for national general mobilization, may cause subjects of the Empire or the employers of Japanese subjects to report regarding the occupational ability of the Japanese subjects, or may conduct examination concerning the occupational ability of the Japanese subjects.

Article 22

The Government if necessary for national general mobilization may issue necessary orders against the administrators or managers of schools, training institutes, factories, workshops and other institutions suitable for training technicians or the employers of persons who are to be trained, regarding training of technicians necessary for national general mobilization.

Article 23

If necessary for national general mobilization the Government, in accordance with provisions of Imperial Ordinances, may cause a person who is engaged in the production, sales or importation of general mobilization goods to hold a certain fixed quality of the said goods or raw or other materials thereof.

Article 24

If necessary for national general mobilization the Government, in accordance with provisions of Imperial Ordinances, may cause the proprietor of a general mobilization enterprise or a person who shall have to operate a general mobilization enterprise in time of war to formulate a plan regarding general mobilization business which is to be operated in time of war, or may cause him to conduct exercises and training on the basis of the said plan.

Article 25

The Government if necessary for national general mobilization may order a person who is engaged in the production or repair of general mobilization goods for the administrator of an experimental and research institute to conduct experiments and researches.

Article 26

If necessary for national general mobilization the Government, in accordance with provisions of Imperial Ordinances, may guarantee a certain fixed amount of profit or grant subsidy within the limit of its budget for a person who is engaged in the production or repair of general mobilization goods. In this case, the Government may cause the said person to produce or repair general mobilization goods or to install equipment necessary for general mobilization.

Article 27

The Government, in accordance with provisions of Imperial Ordinance, shall compensate losses that may arise from measures taken under the stipulations of Articles 8, 10, 13, 14 or Article 16, Paragraph 2; orders of exportation and importation issued according to the provisions of Article 9; orders regarding capital accommodation, subscription to securities, underwriting or purchase of securities,

Article 25

The Government if necessary for national general mobilization may order a person who is engaged in the production or repair of general mobilization goods for the administrator of an experimental and research institute to conduct experiments and researches.

Article 26

If necessary for national general mobilization the Government, in accordance with provisions of Imperial Ordinances, may guarantee a certain fixed amount of profit or grant subsidy within the limit of its budget for a person who is engaged in the production or repair of general mobilization goods. In this case, the Government may cause the said person to produce or repair general mobilization goods or to install equipment necessary for general mobilization.

Article 27

The Government, in accordance with provisions of Imperial Ordinance, shall compensate losses that may arise from measures taken under the stipulations of Articles 8, 10, 13, 14 or Article 16, Paragraph 2; orders of exportation and importation issued according to the provisions of Article 9; orders regarding capital accomodation, subscription to securities, underwriting or purchase of securities,

acceptance of obligations or guarantee of obligations under the provisions of Article 11; orders regarding the establishment or extension or improvement of equipment under the provisions of Article 16; or orders regarding commission, transfer, abolition or suspension of an enterprise or orders requiring changes in the business purposes or dissolution of a corporation under the provisions of Article 16, Paragraph 3, except the cases under Paragraph 2 of this Article.

A person who administers general mobilization business shall compensate losses that may arise in case of this use, expropriation or operation under the provisions of Article 10, Article 13, Paragraph 3 or Article 14, in accordance with provision of Imperial Ordinances.

Article 28

In case the Government issues orders under the provisions of Articles 22, 23 or 25, it shall compensate losses arising therefrom or grant monetary subsidy, in accordance with provisions of Imperial Ordinances.

Article 29

The amount of compensation as under the provisions of the preceding two articles and purchase value as under the provisions of Article 15 shall be determined by the Government after consultation with the General Mobilization

Compensation Commission.

Rules governing the General Mobilization Compensation Commission shall be prescribed by Imperial Ordinance.

Article 30

The Government shall supervise an enterprise that receives the guarantee of profits or subsidy money under the provisions of Articles 26 or 28, and may issue orders or take measures which are necessary in this connection.

Article 31

If necessary for national general mobilization the Government by order may demand reports or may have the competent officials inspect necessary places and examine business conditions or books or documents or other things,

Article 31-(2)

A person falling under either of the following shall be subject to penal servitude not exceeding 10 years or a fine not exceeding ¥ 50,000.

1. A person who has violated an order or orders issued under the provisions of Article 8.
2. A person who has violated an order or orders issued under the provisions of Article 19.

Article 32

A person who, in violation of an order issued under the provisions of Article 9, has exported or imported goods or has attempted to do so, shall be subject to penal servitude not exceeding three years or a fine not exceeding ¥ 10,000.

In the case of the foregoing paragraph, the goods which the offender has exported or imported or attempted to export or import, if in possession of the offender, be confiscated. If it has been impossible to confiscate. If it has been impossible to confiscate the whole or a part of the said goods, their value may be added to the fine.

Article 33

A person falling under either of the following shall be subject to penal servitude not exceeding three years or a fine not exceeding ¥ 5,000.

(1) A person who has violated order or restriction or prohibition under the provisions of Article 7, (2) a person who, in violation of order under the provisions of Article 9, fails to export or import, (3) a person who has refused or hindered or evaded the use or expropriation of general mobilization goods as under the provisions of Article 10,

(4) a person who has refused or hindered or evaded the management or use or expropriation of facilities, land or constructions, or offering of the operatives as under the provisions of Article 13.

Article 34

A person falling under either of the following shall be subject to penal servitude not exceeding two years or a fine not exceeding £ 3,000.

(1) A person who has violated restriction or prohibition as under the provisions of Article 11, (2) a person who has violated restriction or prohibition or order as under the provisions of Article 16. (3) a person who has violated orders as under the provisions of Article 16, Paragraph 2, (4) a person who has violated orders as under the provisions of Article 16, Paragraph 3, (5) a person who, in violation of the provisions of Article 17 or Article 18, Paragraph 5, has set up or changed or abolished a control agreement without approval of the Government, or has violated an order issued under the provision of Article 17 or Article 18, Paragraph 5, (6) a person who, in violation of the provisions of Article 26, does not hold goods, (7) a person who, in violation of the provisions of Article 26, does not produce or repair or install equipment.

Article 35

A person who has committed a criminal act under the preceding four Articles may be subjected to concurrent imposition of the penal servitude and fine.

Article 36

A person falling under either of the following shall be subject to penal servitude not exceeding one year or a fine not exceeding ¥ 1,000: (1) a person who does not accede to expropriation or does not execute the business as under the provisions of Article 4, (2) a person who has violated an order issued under the provisions of Article 6.

Article 37

A person falling under either of the following shall be subject to a fine not exceeding ¥ 3,000: (1) a person who has violated an order issued under the provisions of Article 22, (2) a person who does not formulate a plan or does not execute trainings, in violation of an order issued under the provisions of Article 24, (3) a person who does not conduct experiments and researches, in violation of orders issued under the provisions of Article 25.

Article 38

A person falling under either of the following shall be subject to fine not exceeding ¥1,000: (1) a person who,

in violation of Article 18, Paragraph 1, fails to organize an organization or corporation, (2) a person who has violated an order issued under the provisions of Article 18, Paragraph 6, (3) a person who has violated an order or disposition as under the provisions of Article 30, (4) a person who has neglected reporting or made false report in violation or an order issued under the provisions of Article 31.

Article 39

In case of a newspaper having violated restriction or prohibition as under the provisions of Article 20, Paragraph 1, its publisher and editor, and in case of other publications their publishers or authors, shall be subject to penal servitude or imprisonment not exceeding two years or a fine not exceeding Y 2,000.

In case of a newspaper, a person who actually was in charge of editing and one who signed the article or articles involved, besides the editor, shall be subject to the foregoing provisions.

Article 40

A person who hindered the execution of attachment as under the provisions of Article 20, Paragraph 2, shall be subject to penal servitude or imprisonment not exceeding six months or a fine not exceeding Y 500.

Article 41

The stipulation of the Criminal Code regarding concurrent crimes shall not be applicable to a crime under the foregoing two articles.

Article 42

A person who has refused or hindered or evaded the inspection by the competent officials as under the provisions of Article 31, shall be subject to penal servitude not exceeding six months or a fine not exceeding ¥ 500.

Article 43

A person who, in violation of the provisions of Article 21, has neglected reporting or refused or hindered or evaded the inspection by the competent officials shall be subject to a fine not exceeding ¥ 50 or detention or a minor fine.

Article 44

When a person, who is or has been engaged in a general mobilization business, has disclosed or secretly used official secret regarding general mobilization business designated by the competent Government offices which he had come to knowledge of in relation with the execution of his business, he shall be subject to penal servitude not exceeding two years or a fine not exceeding ¥ 2,000.

Article 45

When an official or a person who has been engaged in official service has disclosed or secretly used business secrets of a juridical or natural person which he had come to knowledge of in relation to the execution of his duties under the provisions of this law, he shall be subject to penal servitude not exceeding two years or a fine not exceeding ¥ 2,000.

The provisions of the preceding clause shall apply in case an officer or employee, or a person who has been an officer or employee, of an organization or corporation established for the purpose of controlling enterprises under the provisions of Article 18, Paragraph 1 or 3 or other juridical person or other organization which administers control by order on the basis of this law, has disclosed or secretly used business secrets of a juridical or natural person which he had come to knowledge of in relation to the execution of his duties.

Article 46 (Removed by the Law number
4 of the 19th year of
Showa)

When an officer or employee of an organization or corporation established for the purpose of controlling enterprises under the provisions of Article 18, Paragraph 1 or 3, or other juridical person or other organization which

administers control by order on the basis of this law, has received or demanded or promised acceptance of, a bribe in conjunction with his duties, he shall be subject to penal servitude not exceeding two years. When the said person accordingly has committed an improper act or has not committed a proper act, he shall be subject to penal servitude not exceeding five years.

The bribe received in the case of the foregoing clause shall be confiscated. If the whole or a part of it could not be confiscated, its value shall be levied on the said person.

Article 47

A person who has given or offered or promised a bribe to the person mentioned in the preceding clause, shall be subject to penal servitude not exceeding two years or a fine not exceeding Y 500.

When a person who has committed a crime under the preceding clause, has surrendered himself to justice, the penalty may be mitigated or he may be remitted.

Article 48

When a representative of a juridical person or proxy of a juridical or natural person or other employee or other operative thereof has committed an offense under the

provisions of Article 31, Paragraph 2 to Article 34, Article 36, Paragraph 2, Articles 37, 38 or the fore part of Article 43, the said juridical or natural person shall be subject to a fine or minor fine provided in each of the above Articles, in addition to the punishment of the said offense.

Article 49

The provisions of the preceding Article shall be applied to an act committed in land outside the territories where this law is in force by a representative or proxy or employee or other operative of a juridical person, who has his headquarters or main business office within the territories where this law is in force.

The same shall also apply to an act committed in land outside the territories where this law is in force by a representative or employee or other operative of a natural person, who has his domicile within the territories where this law is in force.

The penalty provisions of this law shall be applied to a subject of the Empire who has committed a crime in land outside the territories where this law is in force.

Article 50

The National General Mobilization Commission shall be established to respond to inquiries from the Government

regarding important matters relative to the enforcement of this law, (exclusive of those pertaining to the military rules).

Rules governing the National General Mobilization Commission shall be prescribed by Imperial Ordinance.

Supplementary Rules

The date of the application of this law shall be prescribed by Imperial Ordinance. (Put in effect on 5th of May 1938 by Imperial Ordinance No. 315 of the year 1938).

Law of Army Industry Mobilization and Law No. 88 of the year 1937 shall be abolished.

Orders or dispositions which were acted prior to the enforcement of this law in accordance with Law of Army Industry Mobilization shall be treated as were acted according to the corresponding provisions in this law.

Punishment to a person who has violated Law of Army Industry Mobilization shall still be based on the old law.

Supplementary Rules (Law No. 19 of the year 1941)

The date of the application of this law shall be prescribed by Imperial Ordinance. (Put in effect on 20th of March 1941 by Imperial Ordinance No. 205 of the year 1941).

E N D

regarding important matters relative to the enforcement of this law, (exclusive of those pertaining to the military rules).

Rules governing the National General Mobilization Commission shall be prescribed by Imperial Ordinance.

Supplementary Rules

The date of the application of this law shall be prescribed by Imperial Ordinance. (Put in effect on 5th of May 1938 by Imperial Ordinance No. 315 of the year 1938).

Law of Army Industry Mobilization and Law No. 88 of the year 1937 shall be abolished.

Orders or dispositions which were acted prior to the enforcement of this law in accordance with Law of Army Industry Mobilization shall be treated as were acted according to the corresponding provisions in this law.

Punishment to a person who has violated Law of Army Industry Mobilization shall still be based on the old law.

Supplementary Rules (Law No. 19 of the year 1941)

The date of the application of this law shall be prescribed by Imperial Ordinance. (Put in effect on 20th of March 1941 by Imperial Ordinance No. 205 of the year 1941).

E N D